

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

DANIEL KELLER,)	
)	
Plaintiff,)	
vs.)	1:11-cv-387-JMS-DML
)	
MONROE COUNTY SHERIFF'S)	
DEPARTMENT,)	
)	
Defendant.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. Because of pleading deficiencies in both his complaint and amended complaint, plaintiff Daniel Keller was given an opportunity to file a second amended complaint. The Entry of April 7, 2011, concludes with the following directions:

Based on the foregoing, therefore, the amended complaint is **dismissed** because it fails to state a claim upon which relief can be granted. Again, no final judgment shall issue based on the dismissal of the amended complaint. Instead, Mr. Keller shall have **through April 21, 2011**, in which to file a second amended complaint which satisfies the pleading standards of the *Federal Rules of Civil Procedure*.

On April 21, 2011, the clerk received via fax a document from Mr. Keller. The document is not signed, is typed, and is just over 4 pages in length. The clerk shall **file** the document just referenced.

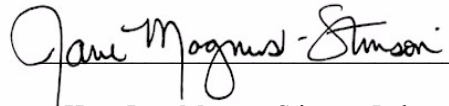
2. The clerk shall docket the document just referenced as the *plaintiff's amended complaint*. This description is based on the document title, rather than on what it should have been labeled, but the discrepancy is of no consequence at present.

3. The amended complaint suffers from the same deficiency as noted in the Entry of April 7, 2011, wherein the amended complaint filed on March 30, 2011, was dismissed. That is, the amended complaint referenced in paragraphs 1 and 2 of this Entry violates the rule that a complaint must always allege enough facts to state a claim to relief that is plausible on its face, noting that "[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009).

4. The action cannot proceed based on the filings from Mr. Keller up to this point. He shall have a further a final period of time, **through May 12, 2011, in which to file a second amended complaint** which complies with the standards noted and explained in the Entry of April 7, 2011. The document shall not be transmitted by fax. Mr. Keller may present it in person at the clerk's office or may send it to the clerk via regular or certified United States mail.

IT IS SO ORDERED.

Date: 04/25/2011


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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